

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

December 3, 2019  
1:30 PM

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IN RE:

Case No. 19-36127-CGM-13

STEPHANIE BADILLO,

Hon. CECELIA G. MORRIS

**NOTICE OF MOTION**

Debtor.

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PLEASE TAKE NOTICE, that upon the within application, Krista M. Preuss, Chapter 13 Trustee, will move this court before the Hon. Cecelia G. Morris, Chief U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at 355 Main Street, Poughkeepsie, NY 12601-3315, on the 3rd day of December, 2019 at 1:30 PM, or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Krista M. Preuss, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: White Plains, New York  
September 26, 2019

s/ Krista M. Preuss  
Krista M. Preuss, Chapter 13 Trustee  
399 Knollwood Road, Ste 102  
White Plains, NY 10603  
(914) 328-6333

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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December 3, 2019  
01:30 PM

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IN RE:

Case No: 19-36127-CGM-13

STEPHANIE BADILLO,

Hon. CECELIA G. MORRIS

**APPLICATION**

Debtor.

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TO THE HONORABLE CECELIA G. MORRIS, CHIEF U.S. BANKRUPTCY JUDGE:

KRISTA M. PREUSS, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on 07/10/2019, and, thereafter, KRISTA M. PREUSS was duly appointed and qualified as Trustee.
2. The Debtor must amend the Plan to increase plan payments from \$25.00 to at least \$50.00 per month pursuant to 11 U.S.C. §330(c).
3. The Debtor has failed to amend the Plan to include secured Claim # 1 for CarMax Business Services, LLC. And the treatment thereof.
4. The Debtor's proposed Chapter 13 plan is not feasible as it is not adequately funded to provide for full repayment to the secured claim as required by 11 U.S.C. §1325(a)(5).
5. The deficiencies as stated above impede the Trustee's ability to administer this case and, therefore, are defaults that are prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).
6. The foregoing constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: White Plains, New York  
September 26, 2019

/s/ Krista M. Preuss  
Krista M. Preuss, Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Case No: 19-36127-CGM-13

STEPHANIE BADILLO,

**CERTIFICATE OF SERVICE  
BY MAIL**

Debtor.  
-----X

This is to certify that I, Lois Rosemarie Esposito, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

STEPHANIE BADILLO  
15 SUNRISE RIDGE  
FLORIDA, NY 10921

DAVID HANNIGAN, ESQ  
62 N. MAIN STREET  
FLORIDA, NY 10921

CarMax Business Services, LLC  
225 Chastain Meadows Court # 210  
Kennesaw, Georgia 30144

Michael Trezza  
c/o James Monteleon, Esq.  
455 Hamilton Avenue # 607  
White Plains, New York 10601

Lakeview Loan Servicing, LLC  
c/o Stern & Eisenberg, PC  
485B Route 1 South # 330  
Woodbridge Corporate Center  
Iselin, New Jersey 08830

This September 26, 2019  
s/ Lois Rosemarie Esposito  
Lois Rosemarie Esposito, Paralegal  
Office of the Standing Chapter 13 Trustee  
Krista M. Preuss, Esq.  
399 Knollwood Road, Suite 102  
White Plains, NY 10603  
(914) 328-6333

CASE NO: 19-36127-CGM-13

Hon. CECELIA G. MORRIS

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

STEPHANIE BADILLO,

Debtor.

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**NOTICE OF MOTION, APPLICATION, AND CERTIFICATE OF SERVICE**

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**KRISTA M. PREUSS  
STANDING CHAPTER 13 TRUSTEE  
399 KNOLLWOOD ROAD, SUITE 102  
WHITE PLAINS, NEW YORK 10603  
(914) 328-6333**

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